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REMARKS

Claims 1-24 are all the claims presently pending in this application. Claims 1, 11 and 20 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

A. Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Palalau et al., U.S. Pat. No. 5,943,044 further in view of Stephan, U.S. Pat. No. 5,748,185 further in view of Rowe, U.S. Pat. No. 6,559,833.

B. Claims 1-3, 6-7 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185 further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355 further in view of Rowe, U.S. Pat. No. 6,559,833.

C. Claims 5 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355 and Rowe, U.S. Pat. No. 6,559,833 further in view of Vanderheiden, U.S. Pat. No. 6,049,328.

D. Claims 11 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185 and Palalau, U.S. Pat. No. 6,373,472 further in view of Rowe, U.S. Pat. No. 6,559,833.

E. Claims 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over

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Stephan, U.S. Pat. No. 5,748,185, Palalau, U.S. Pat. No. 6,373,472, Rowe, U.S. Pat. No. 6,559,833 and further in view of Vanderheiden, U.S. Pat. No. 6,384,743.

F. Claims 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185, Palalau, U.S. Pat. No. 6,373,472, Rowe, U.S. Pat. No. 6,559,833 and further in view of Serravalle, U.S. Pat. No. 4,631,525.

G. Claims 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355, Rowe, U.S. Pat. No. 6,559,833 and Takahashi, U.S. Pat. No. 4,954,967.

I. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Palalau et al., U.S. Pat. No. 5,943,044 further in view of Stephan, U.S. Pat. No. 5,748,185 further in view of Rowe, U.S. Pat. No. 6,559,833

The Examiner alleges that Palalau et al., U.S. Pat. No. 5,943,044, (Palalau), further in view of Stephan, U.S. Pat. No. 5,748,185, (Stephan), further in view of Rowe, U.S. Pat. No. 6,559,833, (Rowe), makes obvious the invention of claims 1 and 4.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Palalau with the teaching from Stephan and Rowe to form the invention of claims 1 and 4. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Palalau, nor Stephan and Rowe, nor any alleged combination thereof, teaches or suggests:

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“a guide portion configured...to fringe the surface with a line configured by one of a concave portion and a convex portion as a whole,”

“a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,”

“a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position,” and,

“wherein said adjustment value is controlled after said fixed reference position is depressed by a touch operation,” of Applicant’s claimed invention of independent claim 1.

First, Applicant respectfully submits that Palalau would not have been combined with Stephan as alleged by the Examiner, since Palalau teaches away from the disclosure of Stephan.

The Examiner states that “Palalau does not expressly disclose, that the guide portion protrudes from a surface of the touch sensor, nor that the controller is configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the reference position.”

The Examiner then alleges that Stephan discloses textured edges and sliding operations, and that “At the time of the invention it would have been obvious to one of ordinary skill in the art to include the...sliding operations of Stephan with the curved edges taught by Palalau.”

Palalau discloses an arcuate shaped feature group switch touch screen 36 having a plurality of feature group switches 28a-f activated by touching graphical representations 36a-f. Column 3, lines 59-66, which teaches away from Stephan’s disclosure of a user providing sliding operations to input to pan and scroll control signals. Alternatively stated, Palalau teaches a user

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instantaneously activating a single switch by touching a single group switch 28. The Examiner's combination of Stephan's sliding operation is incompatible with Palalau's single operation of the group switches 28. Sliding a finger across Palalau's groups switches 28a-f would not control an adjustment value but would instead sequentially trigger a number of switches 28.

Furthermore, the Examiner's motivation to combine Palalau with the disclosure of Stephan, "to communicate to the user, which touch region they are located in, without requiring the user to look down," only addresses the textured edges of Stephan in Fig. 7, and fails to address any motivation to combine the "sliding operations" of Stephan with Palalau.

Second, Applicant respectfully submits that Palalau would not have been combined with Rowe as alleged by the Examiner. Indeed, these references are non-analogous because they are completely unrelated. (Palalau is directed to a driver control interface on a steering wheel having a plurality of touch sensitive switches displayed on a touch sensitive display. Rowe is directed to a non-display capable touchpad providing absolute or relative positioning of a graphics cursor on a separate display, and problems completely different from those to which the present invention and/or Palalau are directed.) No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight, since Palalau deals with a touch-screen display and Rowe is merely non-graphic touchpad controller with no display output capability.

The Examiner states that, "Neither Stephan nor Palalau expressly disclose wherein the reference position is fixed."

Third, assuming *arguendo*, that Rowe is properly combined with Palalau and Stephan, Applicant's respectfully submits that Rowe fails to teach Applicant's claimed invention of, "a

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fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion.” The Examiner states that it would have been obvious to replace the reference positions (function switches 36a-f) of Palalau and the relative x-y positioning of Stephan with Rowe’s dot 25. However, even if Rowe’s dot 25 replaces these elements of Palalau and Stephan, the combination fails to teach or suggest Applicant’s “a fixed reference position...graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion.”

Fourth, Applicant’s respectfully submits that Rowe’s disclosure fails to teach or suggest, “an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position,” since Rowe discloses the activation of the relative positioning function by first contacting region 31 above line 26 and sliding a finger towards dot 25. Therefore, any direction toward dot 25 will be away from any peripheral “guide portions” of the touchpad 20, not “a direction...along said guide portion from the fixed reference position,” per Applicant’s claimed invention.

Fifth, Applicant’s respectfully submits that Rowe fails to teach or suggest any adjustment value is controlled after dot 25 is depressed by a touch operation, per Applicant’s claimed invention. Rowe merely discloses that the dot 25 has merely a tactile function only, (column 3, lines 15-16). Functionality of relative or non-relative positioning is determined on how a user’s finger moves with respect to dot 25, not by depressing dot 25. See Column 3, line 44 to column 4, line 35.

Therefore, Stephan and Rowe fail to overcome the deficiencies of Palalau.

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Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Palalau and Stephan and Rowe (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185 further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355 further in view of Rowe, U.S. Pat. No. 6,559,833

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355, (Yamaguchi), further in view of Rowe, U.S. Pat. No. 6,559,833, (Rowe), makes obvious the invention of claims 1-3, 6-7 and 20.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching from Yamaguchi and Rowe to form the invention of claims 1-3, 6-7 and 20. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Stephan, Yamaguchi nor Rowe, nor any alleged combination thereof, teaches or suggests:

"a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,"

"a controller configured to control an adjustment value in accordance with a direction of

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a slide operation along said guide portion from the fixed reference position,” and

“wherein said adjustment value is controlled after said fixed reference position is depressed by a touch operation,” of Applicant’s independent claim 1, and similarly independent claim 20.

First, Applicant respectfully submits that Stephan would not have been combined with Yamaguchi and Rowe as alleged by the Examiner. Indeed, these references are non-analogous because they are completely unrelated. (Stephan is directed to a touch-screen interface. Yamaguchi and Rowe are directed to non-display capable touchpads providing absolute (Yamaguchi) or relative (Rowe) positioning of a graphics cursor on a separate display, and problems completely different from which the present invention and/or Stephan are directed.) No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight, since Stephan deals with a touch-screen display and Yamaguchi and Rowe are merely non-graphic touchpad controllers with no display output capability.

Second, the Examiner states that, “Stephan does not expressly disclose that the guide portion is configured by one of a concave portion and a convex portion.”

The Examiner alleges that the textured edges 192 and 194 of Stephan are equivalent to Applicant’s guide portion, and it would have been obvious to replace the rounded edges of Yamaguchi’s touchpad 6 in for the textured edges of Stephan. The Examiner states that the motivation to do so would be “due to aesthetic design choices, as well as to offer the user a less abrasive form of tactile feedback.” Applicant respectfully contends that this motivation is improper since there is no teaching or suggestion in either prior art reference of substituting the

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curved edge of a touchpad for the textured edge of a touch-screen display for either aesthetic purposes or reduced abrasion feedback, and one of ordinary skill in the art would not be inclined to substitute a curved edge of a touchpad for the textured edge of a touch-screen display for either aesthetic purposes or reduced abrasion feedback.

Applicant's contend that the motivation provided by the Examiner is completely improper since it is purely speculative and was applied in hindsight of Applicant's claimed invention.

Furthermore, Examiner's motivation to combine the round edge of Yamaguchi as a replacement for the textured edge of Stephan teaches against and negates the disclosure of Stephan's benefits of providing tactile edge.

Third, assuming *arguendo*, that Rowe is properly combined with Yamaguchi and Stephan, Applicant's respectfully submits that Rowe fails to teach Applicant's claimed invention of, "a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion." The Examiner states that it would have been obvious to replace the reference positions of Yamaguchi and the relative x-y positioning of Stephan with Rowe's dot 25. However, even if Rowe's dot 25 replaces these elements of Yamaguchi and Stephan, the combination fails to teach or suggest Applicant's "a fixed reference position...graphically identified on said display surface." Furthermore, the Examiner fails to address where the fixed reference position in either Stephan, Yamaguchi or Rowe is "located between a vertex and a center of one of said concave portion and said convex portion."

Fourth, Applicant's respectfully submits that Rowe's disclosure fails to teach or suggest,

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“an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position,” since Rowe discloses the activation of the relative positioning function by first contacting region 31 above line 26 and sliding a finger towards dot 25. Therefore, any direction toward dot 25 will be away from any peripheral “guide portions” of the touchpad 20, not *“a direction...along said guide portion from the fixed reference position,”* per Applicant’s claimed invention.

Fifth, Applicant’s respectfully submits that Rowe fails to teach or suggest any adjustment value is controlled after dot 25 is depressed by a touch operation, per Applicant’s claimed invention. Rowe merely discloses that the dot 25 has merely a tactile function only, (column 3, lines 15-16). Functionality of relative or non-relative positioning is determined on how a user’s finger moves with respect to dot 25, not by depressing dot 25. See Column 3, line 44 to column 4, line 35.

Therefore, Rowe fails to overcome the deficiencies of Stephan and Yamaguchi.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan and Yamaguchi and Rowe (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

C. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355 and Rowe, U.S. Pat. No. 6,559,833 further in view of Vanderheiden, U.S. Pat. No. 6,049,328

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), in view of

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Yamaguchi et al., U.S. Pat. No. 7,143,355, (Yamaguchi), and Rowe, U.S. Pat. No. 6,559,833, (Rowe), further in view of Vanderheiden, U.S. Pat. No. 6,049,328, (Vanderheiden), makes obvious the invention of claims 5 and 8-10.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching from Yamaguchi, Rowe and Vanderheiden to form the invention of claims 5 and 8-10. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Yamaguchi, Rowe and Vanderheiden fail to make up for the deficiencies of Stephan as discussed above in section B.

The Examiner asserts, “Vanderheiden discloses, a touch screen device having a concave and convex guide portion (200 in fig. 2), wherein the sliding motion controls an adjustment value (On or Off) of an output level of an acoustic signal (col. 6, lines 29-45).”

However, even assuming *arguendo* that the Examiner's position has some merit, Yamaguchi, Rowe and Vanderheiden fails to teach or suggest, “a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,” “a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position,” and “wherein said adjustment value is controlled after said fixed reference position is depressed by a touch operation,” with respect to Applicant's independent claim 1, as argued above in section B. Therefore, Yamaguchi, Rowe and Vanderheiden fail to overcome the deficiencies of Stephan.

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Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan, Yamaguchi and Rowe and Vanderheiden (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

D. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185 and Palalau, U.S. Pat. No. 6,373,472 further in view of Rowe, U.S. Pat. No. 6,559,833

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), and Palalau, U.S. Pat. No. 6,373,472, (Palalau), further in view of Rowe, U.S. Pat. No. 6,559,833, (Rowe), makes obvious the invention of claims 11 and 14-16.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan and Palalau with the teaching from Rowe to form the invention of claims 11 and 14-16. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Stephan and Palalau, nor Rowe, nor any alleged combination thereof, teaches or suggests:

“a guide portion configured...to fringe said surface with a line configured by either a concave portion or a convex portion as a whole, including a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,”

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“guiding a finger along said guide portion to said fixed reference position,”

“depressing said fixed reference position to initiate control of an adjustment value,”

and

“receiving a contact input on said surface of said touch sensor adjacent to said fixed reference position based on guiding said finger along said guide portion from said fixed reference position,” of Applicant’s independent claim 11.

First, Applicant respectfully submits that Stephan would not have been combined with Rowe as alleged by the Examiner. Indeed, these references are non-analogous because they are completely unrelated. (Stephan is directed to a touch sensitive display. Rowe is directed to a non-display capable touchpad providing absolute or relative positioning of a graphics cursor on a separate display, and problems completely different from those to which the present invention and/or Stephan are directed.) No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight, since Stephan deals with a touch-screen display and Rowe is merely non-graphic touchpad controller with no display output capability.

Second, the Examiner states that, “Stephan does not expressly disclose that the guide portion is configured by one of a concave portion and a convex portion.”

The Examiner alleges that the textured edges 192 and 194 of Stephan are equivalent to Applicant’s guide portion, and it would have been obvious to replace the rounded edges of Palalau’s touchpad 28/34 in for the textured edges of Stephan. The Examiner states that the motivation to do so would be “due to aesthetic design choices, as well as to offer the user a less abrasive form of tactile feedback.” Applicant respectfully contends that this motivation is

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improper since there is no teaching or suggestion in either prior art reference of substituting the curved edge of a touchpad for the textured edge of a touch-screen display for either aesthetic purposes or reduced abrasion feedback, and one of ordinary skill in the art would not be inclined to substitute a curved edge of a touchpad for the textured edge of a touch-screen display for either aesthetic purposes or reduced abrasion feedback.

Applicant's contend that the motivation provided by the Examiner is completely improper since it is purely speculative and was applied in hindsight of Applicant's claimed invention.

Furthermore, Examiner's motivation to combine the round edge of Palalau as a replacement for the textured edge of Stephan teaches against and negates the disclosure of Stephan's benefits of providing tactile edge.

The Examiner states that, "Neither Stephan nor Palalau expressly disclose wherein the reference position is fixed."

Third, assuming *arguendo*, that Rowe is properly combined with Palalau and Stephan, Applicant's respectfully submits that Rowe fails to teach Applicant's claimed invention of, *"including a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion."* The Examiner states that it would have been obvious to replace the reference positions (function switches 36a-f) of Palalau and the relative x-y positioning of Stephan with Rowe's dot 25. However, even if Rowe's dot 25 replaces these elements of Palalau and Stephan, the combination fails to teach or suggest Applicant's *"a fixed reference position...graphically identified on said display surface."* Furthermore, the Examiner fails to

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address where the fixed reference position in either Stephan, Palalau or Rowe is “located between a vertex and a center of one of said concave portion and said convex portion.”

Fourth, Applicant’s respectfully submits that Rowe fails to teach or suggest depressing dot 25 to initiate control of an adjustment value, per Applicant’s claimed invention. Rowe merely discloses that the dot 25 has merely a tactile function only, (column 3, lines 15-16). Functionality of relative or non-relative positioning is determined on how a user’s finger moves with respect to dot 25, not by depressing dot 25. See Column 3, line 44 to column 4, line 35.

Fifth, Applicant’s respectfully submits that Rowe’s disclosure fails to teach or suggest, “receiving a contact input on said surface of said touch sensor adjacent to said fixed reference position based on guiding said finger along said guide portion from said fixed reference position,” since Rowe discloses the activation of the relative positioning function by first contacting region 31 above line 26 and sliding a finger towards dot 25. Therefore, any direction toward dot 25 will be away from any peripheral “guide portions” of the touchpad 20, not “a direction... along said guide portion from said fixed reference position,” per Applicant’s claimed invention.

Sixth, Applicant’s respectfully submits that neither Stephan, Palalau nor Rowe’s disclosures, either alone or in combination, fail to teach or suggest, “guiding a finger along said guide portion to said fixed reference position.” The Examiner states that Stephan and Palalau fail to expressly disclose a fixed reference position. However, Rowe discloses the activation of the relative positioning function by first contacting region 31 above line 26 and sliding a finger towards dot 25. Therefore, any direction toward dot 25 will be away from any peripheral “guide portions” of the touchpad 20, not, “guiding a finger along said guide portion to said fixed

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reference position,” per Applicant’s claimed invention.

Therefore, Palalau and Rowe fail to overcome the deficiencies of Stephan.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan and Palalau and Rowe (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

E. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185, Palalau, U.S. Pat. No. 6,373,472, Rowe, U.S. Pat. No. 6,559,833 and further in view of Vanderheiden, U.S. Pat. No. 6,384,743

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, Palalau, U.S. Pat. No. 6,373,472, (Palalau), Rowe, U.S. Pat. No. 6,559,833, (Rowe), and further in view of Vanderheiden, U.S. Pat. No. 6,384,743, (Vanderheiden), makes obvious the invention of claims 12-13.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching of Palalau, Rowe and Vanderheiden to form the invention of claims 12-13. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Palalau, Rowe and Vanderheiden to make up for the deficiencies of Stephan as discussed above, in section D.

The Examiner asserts, “Vanderheiden discloses, a graphical image that represents an

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initial value in a parameter adjustment range and corresponds to a fixed reference position (center icon 46” in fig. 2; opposite the indent).”

However, even assuming *arguendo* that the Examiner's position has some merit, Palalau, Rowe and Vanderheiden fails to teach or suggest, “*a guide portion configured...to fringe said surface with a line configured by either a concave portion or a convex portion as a whole, including a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,” “guiding a finger along said guide portion to said fixed reference position,” “depressing said fixed reference position to initiate control of an adjustment value,” and “receiving a contact input on said surface of said touch sensor adjacent to said fixed reference position based on guiding said finger along said guide portion from said fixed reference position,” of Applicant’s independent claim 11, as argued above in section D. Therefore, Palalau, Rowe and Vanderheiden fail to overcome the deficiencies of Stephan.*

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan, Palalau, Rowe and Vanderheiden (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

F. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185, Palalau, U.S. Pat. No. 6,373,472, Rowe, U.S. Pat. No. 6,559,833 and further in view of Serravalle, U.S. Pat. No. 4,631,525

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), in view of

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Palalau, U.S. Pat. No. 6,373,472, (Palalau), Rowe, U.S. Pat. No. 6,559,833, (Rowe), and further in view of Serravalle, U.S. Pat. No. 4,631,525, (Serravalle), makes obvious the invention of claims 17-19.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching from Palalau, Rowe and Sarravalle to form the invention of claims 17-19. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Palalau, Rowe and Sarravalle fail to make up for the deficiencies of Stephan as discussed above in section D.

The Examiner asserts “Sarravalle, Jr., discloses, storing in a register (98 in fig. 4) the present value of an adjustment parameter in response to receiving a contact input on a surface of a touch sensor (40, 60 in fig. 4) adjacent to a reference position (0 label for example).”

However, even assuming *arguendo* that the Examiner's position has some merit, Palalau, Rowe and Sarravalle fail to teach or suggest, “*a guide portion configured...to fringe said surface with a line configured by either a concave portion or a convex portion as a whole, including a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion,” “guiding a finger along said guide portion to said fixed reference position,” “depressing said fixed reference position to initiate control of an adjustment value,” and “receiving a contact input on said surface of said touch sensor adjacent to said fixed reference position based on guiding said finger along said guide portion from said fixed reference*

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position,” of Applicant’s independent claim 11, as argued above in section D. Therefore, Palalau, Rowe and Sarravalle fail to overcome the deficiencies of Stephan.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan, Palalau, Rowe and Sarravalle (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

G. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355, Rowe, U.S. Pat. No. 6,559,833 and Takahashi, U.S. Pat. No. 4,954,967

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), in view of Yamaguchi et al., U.S. Pat. No. 7,143,355, (Yamaguchi), Rowe, U.S. Pat. No. 6,559,833, (Rowe), and Takahashi, U.S. Pat. No. 4,954,967, (Takahashi), makes obvious the invention of claims 21-24.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching from Yamaguchi, Rowe and Takahashi to form the invention of claims 21-24. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Yamaguchi, Rowe and Takahashi fail to make up for the deficiencies of Stephan as discussed above, in section B.

The Examiner asserts “Takahashi discloses a storage unit (21 in fig. 4) which stores a

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current adjustment value when a fixed reference position is depressed (102 in fig. 70)."

That is, the Examiner alleges that Takahashi discloses the subject matter of claims 21-24. However, Applicants disagree. Takahashi describes a scrolling operation by a slide operation. In Takahashi, a position where slide operation starts is stored and amount of the slide operation and speed of the slide operation are calculated.

The Examiner alleges that the position where the slide operation starts corresponds to the claimed current adjustment value. However, Applicant submits that the position does not correspond to the claimed current adjustment value. Additionally, the timer in Takahashi does not count a predetermined time period, but instead counts a time for calculating a speed of the slide operation (claim 22). Further, Applicant notes that the position where the slide operation starts is not set when no slide operation is performed (claim 23).

Thus, even assuming *arguendo* that the Examiner's position has some merit, Yamaguchi, Rowe and Takahashi fail to teach or suggest, "a fixed reference position on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of said concave portion and said convex portion," "a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position," and "wherein said adjustment value is controlled after said fixed reference position is depressed by a touch operation," of Applicant's independent claim 1, and similarly independent claim 20, as argued in the above section B. Therefore, Yamaguchi, Rowe and Takahashi fail to overcome the deficiencies of Stephan.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan, Yamaguchi, Rowe and Takahashi

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(either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

II. FORMAL MATTERS AND CONCLUSION


In view of the foregoing, Applicant submits that claims 1-24, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 9/12/08

Respectfully Submitted,


Sean M. McGinn, Esq.
Reg. No. 34,386

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254